

JURY NAMED, PROSECUTION OPENS CASE. ASSASSIN'S SWIFT TRIAL

**"SCHLEY OBEYED SAMPSON'S ORDERS
AND IS NOT SUBJECT TO CENSURE."**

The Admiral's Counsel
Reveals One of the
Probable Lines of De-
fense.

Commander Heilner
Tells the Story of
Brooklyn's Famous
Loop.

At the Schley inquiry to-day Lieut.
Commander Heilner, of the Texas,
was the principal witness.

He testified that the official chart
describing the Brooklyn's famous loop
at the battle of Santiago was inaccurate.

Mr. Rayner, of counsel for Admiral
Schley, said that, notwithstanding the
strenuous efforts of Capt. Lemly to
keep Admiral Sampson out of the con-
troversy, he would inevitably be
brought into it, not for the purpose of
criticism, but for the purpose of
showing that Admiral Schley had
merely obeyed the orders of his su-
perior officer, Admiral Sampson, in
doing what he had done.

Judge Wilson said: "We propose
to show that Admiral Sampson was
never in the fight off Santiago at all,
and on that account Admiral Schley
had the responsibility of command
thrust upon him."

WASHINGTON, Sept. 23.—Lieut. Com-
mander Heilner, of the Texas, in his tes-
timony at the afternoon session of the
Schley inquiry, said that the official
chart made the Brooklyn go half a mile
out to sea in making its famous loop.

He said the chart was not accurate on
that point.
At the time, he said, the Texas was
going at the rate of about twelve knots
an hour.

The witness stated that he had not
in his examination in chief meant to
say that the ship had lost three miles
in so many minutes, but that in all,
that much time had been lost.

A Slap at Rayner.

"I saw a bright smile on your face
when I said it," added the witness to
Mr. Rayner, "and thought you misun-
derstood."

Thereupon all laughed, the members
of the Court included.

The witness was asked by Mr. Rayner
concerning the stoppage of the Texas
when the Brooklyn appeared in front
of her.
"The signals," he testified, "were
answered, 'were to slow, stop' and
back, 'one right on top of the other,
before I could say a word in between.'"
"Does anything appear in your log
about that?" asked Mr. Rayner.

"Nothing," answered the witness. "It
was not on the log. I can tell you why
it was not—because Capt. Philip said
he did not like to have anything in it.
I swore to the Judge-Advocate of this
court that I would not bring up a dead
man to substantiate anything I said and
that I would not bring up this point,
and I am sorry I brought it up, but
Capt. Philip said he would not put it in
his official report. I hope I can get
some one to substantiate me on that
point, because there was another gentle-
man in the cabin when he made his
official report."

Danger of Collision.

"Do you recollect, as you brought up
this statement of Capt. Philip, the state-
ment he made about the danger of col-
lision?"
"No. He spoke to me hundreds of
times about it."
Mr. Rayner—Here are his own words.
Mr. Hanna—Mr. President, we object
to reading from magazines.
Mr. Rayner—I am not going to read
from it. I do not intend to read from
the magazine except for my own in-
formation. Here is what Capt. Philip
says. Do you recollect Capt. Philip ever
saying that the collision which seemed
to be imminent, even if it was not, was
averted?"
"No, I do not recollect it," replied the
witness.

Impeded the Fleet.

Referring again to the cruise to San-
tiago, the witness said he knew that
the Eagle had impeded the speed on that
trip. He also recalled that that vessel
had been sent away the next day. He
remembered also that the collier Merri-
mac had broken down after the tour to
the westward from Santiago on May 27.
On redirect examination Commander
Heilner said that the squadron had

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REAR-ADMIRAL BENHAM TAKING NOTES AT SCHLEY INQUIRY.

TROOPS ASKED TO QUELL MINERS

ARMED KENTUCKY STRIKERS
SHOT AT GUARDS.

Riddled a House with Bullets and
Terrorized Non-Union
Men.

MADISONVILLE, Ky., Sept. 23.—The
Governor has been appealed to for
troops to hold in check the turbulent
coal mine strikers. As the result of an
armed attack by a squad of strikers
to-day, Judge J. Nunn has wired Gov.
Buckham as follows:
"It is my opinion that the troops are
needed here at once to preserve the
peace."
At an early hour, the strikers opened
fire on the house of the main
road within fifty yards of the main
road and shot at a guard who was pat-
rolling in front of a row of miners' houses.
The house nearest the strikers was
riddled with bullets. The resistance
by the strikers to-day was the most
determined yet offered.

WEATHER FORECAST.

Forecast for the thirty-six
hours ending at 8 A.M. Tues-
day for New York City and
vicinity: Fair to-night and
Tuesday; fresh south wind.

POWERS TO PUT DOWN ANARCHISM

RUSSIA AND GERMANY LEAD
IN THE MOVEMENT.

Common Measures Will Be Taken
to Suppress European
Bands.

COPENHAGEN, Sept. 23.—It is au-
thoritatively announced that the Rus-
sian Minister of Foreign Affairs, Count
Lamsdorff, and the German Imperial
Chancellor, Count von Bülow, at their
recent conferences agreed upon common
measures to be taken against Anar-
chists, and that they are now commu-
nicating with the powers on the subject.
Count Lamsdorff and Count von Bü-
low have decided to completely suppress
the Anarchist press.
BERLIN, Sept. 23.—Otto Paunz, the
editor of the Neues Leben, the Anarchist
sheet which reappeared Saturday
after its publication had been suspended
for some time, has been arrested, and
the issue of the paper, which was de-
voted chiefly to articles in connection
with the assassination of President Mc-
Kinley, has been confiscated.
The Neues Leben, Saturday, in com-
menting on the killing of President Mc-
Kinley, said: "We can neither approve
the deed nor condemn the deed."

NEITHER JUMPS NOR DROPS,
but daily, regularly, month in and
month out, in New York City cir-
culation The World maintains a lead
of tens of thousands over any other
paper.

KIMBALL INDICTED FOR BANK WRECK.

Ex-President of Seventh National Arraigned,
Together with Receiving Teller and Frank
B. Poor—Under Heavy Bonds.

William H. Kimball, Frank B. Poor
and Gamaliel S. Rose were arraigned
before Justice Adams, in the United
States District Court, in the Federal
Building, at 3:30 this afternoon to plead
to indictments which had been found
against them on Sept. 11 in connection
with the wrecking of the Seventh Na-
tional Bank.

Kimball was the President of the
wrecked bank and Rose was the receiv-
ing teller, while Poor was the manager
for the defunct firm of Marquand & Co.,
which was implicated in the failure of
the Seventh National.

Kimball and Rose were represented by
Edward Lauterbach, while former Judge
W. M. K. Olcott represented Poor.

After an extended argument bail was
fixed at \$20,000 for Kimball, \$10,000 for
Poor and \$5,000 for Rose.

Edward Wardwell and W. W. Pea-
body were accepted as bondsmen for
Kimball, Samuel Beis for Poor and John
A. Sullivan for Rose.

Oct. 1 was fixed as the day for the
three to plead to the indictments found
against them.

Assistant District Attorney Baldwin
announced that the indictments were:
One for conspiracy against Kimball
and Poor.

One for overcertification of checks
against Kimball and Rose.

One for neglect of duty in permitting
fraud against Kimball individually.

Mr. Baldwin addressing the Court
said there were three indictments.
The first was against W. H. Kimball,
former President of the bank, and
Frank P. Poor, junior partner of the

firm of Henry Marquand & Co., for con-
spiracy against the United States, under
section 400, Revised Statutes.

The second indictment was against
W. H. Kimball, President, and Gamaliel
S. Rose, receiving teller, of the Sev-
enth National Bank, for unlawful cer-
tification of the checks of Henry Mar-
quand & Co.

The third indictment was against W.
H. Kimball individually as President of
the bank, for receiving fictitious obli-
gations.

Mr. Baldwin asked that Mr. Poor's
bail be fixed at \$10,000 and Mr. Rose's
at \$5,000, and that Mr. Kimball's bail
be fixed at \$20,000; \$5,000 on the first in-
dictment, \$5,000 on the second and \$10,000
on the third.

Mr. Lauterbach at first opposed the
proposition to put Mr. Kimball's bond at
\$20,000, but acceded later without argu-
ment.

Mr. Olcott, for Manager Poor, of
Marquand & Co., objected to his client's
bond being placed at a larger figure
than that of Receiving Teller Rose,
who was an official of the bank.

He said that a jury might be influ-
enced by this fact, although the only
guilt of Mr. Poor appeared to be
guilty of true borrowing all the money
he could.

Attorney Lauterbach refused to per-
mit his client to make a statement to
the newspapers.

"We don't know yet what the indict-
ment charges," he said, "and until we
do there is nothing we have to say
about the Seventh National Bank af-
fairs."

Mayor Van Wyck found time this noon
to speak quite extensively on the ques-
tion of the city's indebtedness and im-
provements at a hearing he granted a
delegation of residents of the Twenty-
eighth Ward, in Brooklyn.

This delegation, headed by Councilman

Hester, Mirabeau L. Towns and Karl
Alohmman, President of the Schwanen
Singing Society, asked that the plot at
Knickerbocker avenue, Myrtle avenue
and Bleecker street be made a public
place.

This place is now a rubbish heap, and
the delegation told the Mayor that it
could be made presentable and a de-
cided improvement for not over \$7,500.

The Mayor said he believed it would
benefit the neighborhood, and then said:
"We've got to provide \$45,000,000 to
complete the subway to Brooklyn and
the three bridges now building over the
East River. These are the improve-
ments necessary to Brooklyn's develop-
ment, and it is my hope that these
will be completed. The only hope for
the taxpayers of Manhattan and the
Bronx lies in increasing taxable values
in Brooklyn and Queens."

"When the underground in Manhat-
tan and the Bronx is completed and we
have the tunnel to Brooklyn and the
new bridges open to traffic, the city
will have spent \$80,000,000 for better
transit facilities."

"This is a great burden, but it is
necessary to the proper development of
the greater city, and we have been sav-
ing and economizing all the time to
supply money for these great undertak-
ings. The bridge to Brooklyn would
have been ready for use now had it
not been we were unable to provide
the needed money promptly at one
stage."

BETTOR WAS ROBBED.

Brooklyn Man Lost Money Placed
on His Billings.

Jacob Maize, of No. 322 South Second
street, Brooklyn, anxious to back the
pedigree of his brindle bulldog, pro-
duced \$5 when challenged by strangers
be met at Amstey and Keap streets,
and was knocked down and robbed of
the money.

In the Lee Avenue Court to-day,
he charged John Farley, twenty years
old, of No. 174 Hope street, and James
Ryan, twenty-four, of No. 78 Devoe
street, with being two of the men.
Both were held for examination.

Bright people get good positions
through Sunday World Wants. If
you seek help a Sunday World Want
will find it for you.

Murderer of President McKinley Listens Unmoved to His Accusation.

Physicians Testify to the Nature of the Wounds
and a Crowd Lingers Outside the Court-
House Until Court Is Adjourned.

In the trial of President McKinley's assassin at Buffalo to-day
the jury was chosen in two hours, and before an adjournment was
taken at 4 o'clock this afternoon the State had almost presented all
of its case. Drs. Gaylord, Mynter and Mann gave interesting testi-
mony regarding the autopsy and the bullet wounds.

The assassin maintains his stolid, indifferent demeanor, but
showed the first indication of interest when the first witnesses testi-
fied.

It was his intention to make some sort of speech to the Court
this morning, but Justice White was speaking at the time and the
guards restrained him.

A large crowd that thronged the streets about the Court-House
in the morning remained all the afternoon, but were kept back by a
strong detachment of police.

STATE RECITES THE STORY OF PRESIDENT'S MURDER.

(Special to The Evening World.)

BUFFALO, Sept. 23.—In less than
two hours of actual examination of
testimony a jury was selected to-day
to try the assassin of President Mc-
Kinley. Robert J. Adams, a con-
tractor, the twelfth man, was ac-
cepted at 2:45 o'clock. They are a
grave, intelligent-looking body of
men, who seem to realize fully the
grave responsibility resting upon
them.

The assassin wanted to address the
court during the morning session,
but was restrained by the detectives
on either side of him. The incident
was so slight that it did not attract
general attention.

After the twelfth juror had been
chosen Justice White asked the Dis-
trict Attorney what time he deemed
would be necessary to present his
case. Mr. Penney said he believed
the prosecution could present its
case by to-morrow noon. Mr. Titus
in answer to a question from the
presiding Judge said that it would
be absolutely impossible to say how
much time the defense would con-
sume as that would only be deter-
mined by the turn the case might
take.

Prosecution Opens.

Without further delay Frederick
W. Haller, the Assistant District At-
torney, went before the jury and de-
liberately and in low tones opened
the case by reciting the story of the
shooting of President McKinley;
told of the gathered throng in the
Temple of Music and of the approach
of the long line of people who came
to shake the hand of the President.

"And we will prove to you beyond
the shadow of a doubt," said Mr.
Haller, "that the crime was done
by the defendant after due delib-
eration and preparation."

"We will prove how this man
sought his place in line, how he
had concealed in his hand the cov-
ered revolver, and how, when the
President extended his hand in
greeting, the defendant fired the
fatal shot which on Sept. 6 laid
the President low and from which
assault he died in this city on the
morning of Sept. 14."

Assassin Indifferent.

While Mr. Haller talked the eyes
of many turned toward the prisoner.
There were many in the court who
thought that the calm and deliberate
recital of the bloody deed would pos-
sibly have some effect upon him.
His eyelids fluttered once, his throat
moved as though he were swallow-
ing. Then he was calm again. When
a map of the floor of the Temple of
Music was hung on a board at the
witness stand the assassin looked at
it with seeming absorbing interest.
He sat with one leg crossed over the

MEN WHO WILL JUDGE ASSASSIN.

Frederick V. Laver,
plumber.

Richard J. Garwood,
street railway foreman.

Harry W. Wendt, man-
ufacturer.

Slas Carmer, farmer.

James S. Stygal, jr.,
plumber.

William Loton, farmer.

Walter E. Everett,
blacksmith.

Benjamin C. Ralph,
bank cashier.

Samuel P. Waldo.

Andrew J. Smith.

Joachim H. Merlens,
dealer in boots and shoes.

Robert J. Adams, con-
tractor.

other and the well-polished shoe
swinging negligently.

There is something remarkable
about the countenance of this strange
man. His face is a youthful, al-
most boyish one. His skin is smooth,
healthy and rather fair. There is
not the slightest mark of dissipation.

The First Witness.

As Chief Engineer A. J. Fields, of
the Pan-American Exposition, told
of the scenes in the Temple of Music
when he went there to make the
measurements from which the floor
plan of the building was drawn the
prisoner listened in rapt attention.
The strain or the temperature of
the court-room was telling, for his
cheeks were coming to a pronounced
glow, and on a couple of occasions
he pulled a handkerchief from the
side pocket of his sack coat and
wiped his face.

First Signs of Interest.

Following the testimony of Mr.
Fields, Mr. Bliss testified to taking
photographic pictures of the Temple
of Music, and then Dr. Harvard-Gay-
lord, a young surgeon, was called.
Dr. Gaylord performed the autopsy
upon the body of President McKinley,
and as he told of the wounds, the
assassin leaned forward in his chair
and showed some real interest for the
first time.

He listened to every word uttered
by the young surgeon and the per-
spiration came out on face and fore-
head. A court attendant, carrying a
large glass of water, passed it to the
prisoner.

He called at the officer and ad-